

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-091845

02/22/2011

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MARRIAGE OF
AMY ZIEGLER

AMY LYNN OLTHOUSE

AND

KEITH VOGEL

PAUL C RIGGS

TASC - MESA

MINUTE ENTRY

Courtroom 403 – SEA

10:28 a.m. This is the time set for Resolution Management Conference re: Respondent's Emergency Motion for Entry of Temporary Orders Re: Child Custody and Supervised Parenting Time. Petitioner is present and represented by above named counsel. Respondent is present and represented by above named counsel.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

The Court has received and reviewed Petitioner's Response to Respondent's Expedited Motion for Temporary Orders Re: Custody, Parenting Time and Child Support, Petitioner's Response to Respondent's Emergency Motion for Entry of Temporary Orders Re: Child Custody and Supervised Parenting Time and Petitioner's Response to Respondent's Expedited Petition for Modification Re: Custody, Parenting Time and Child Support.

Discussion is held.

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IT IS ORDERED that Petitioner/Mother not consume any alcohol pending further proceedings in this case.

IT IS ORDERED that Amy Ziegler (“Mother”) shall undergo random alcohol testing on the following basis:

- A. Agency. Mother’s random alcohol testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, (602) 254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.
- B. First Test. Mother shall report to TASC within 24 hours for her first test.
- C. Scope. Mother shall undergo an alcohol test (EtG) for each test ordered herein.
- D. Cooperation. Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
 - 1. Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
 - 2. Mother shall timely report for testing and provide samples as directed by the testing agency.
 - 3. Mother shall present photo identification to the testing agency at the time of each test.
 - 4. Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Mother shall pay the cost of her testing (\$11.00 per test) in money order or cashier’s check at the time of testing.
- F. Frequency & Duration. Mother shall complete two random tests between this date and March 4, 2011. Mother has advised the Court that she will be out of town on vacation from February 28, 2011 to March 2, 2011.

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- G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of each test result and a Cumulative Drug Test Summary Report.

IT IS ORDERED that any further orders regarding Mother's counseling shall abide the March 4, 2011 evidentiary hearing.

IT IS ORDERED pending the evidentiary hearing, Respondent/Father shall have sole legal custody of the minor children, Parker (DOB: 3/3/05) and Alexis (DOB: 10/7/94). Father must still consult with Mother regarding any decisions he makes concerning the minor children.

IT IS ORDERED that Mother's parenting time with the minor children shall be supervised between now and the time of the evidentiary hearing.

10:45 a.m. Court stands at recess.

10:54 a.m. Court reconvenes with the parties and respective counsel present.

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Counsel for Respondent advises the Court the parties have reached an agreement regarding Mother's parenting time.

Counsel for Respondent states the parties' following agreements on the record.

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- Mother will have supervised parenting time with the minor children from Friday, February 25, 2011 to the evening of Sunday, February 27, 2011. Mother's parenting time will be supervised by the maternal grandparents. If Mother transports the minor children, the maternal grandparents will also be present in the vehicle.
- Mother will have reasonable daily telephonic contact with the minor children at 7:00 p.m.

IT IS ORDERED affirming the Evidentiary Hearing re: Respondent's Expedited Motion for Temporary Orders Re: Custody, Parenting Time and Child Support set for **March 4, 2011 at 10:30 a.m. (1 ½ hours allowed)** in this Division.

10:55 a.m. Conference concludes.

ISSUED: Court Ordered Substance Abuse Testing Form.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.